APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,245	09/26/2003	Masaru Sugano	031198	8594

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EXAMINER
ROBERTS, JESSICA M

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
10/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/670,245	SUGANO ET AL.
	Examiner	Art Unit
	JESSICA ROBERTS	2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-22</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>see continuation sheet</u>.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

As to applicant's request to withdraw finality of office action because independent claim 21 has not been amended during the prosecution, and has now been rejected over a new ground of rejection.

The examiner respectfully disagrees. The record is clear that the relied upon references used for the rejection of Claim 21 were Chakraborty et al.,US-7,110,454 and Gonsalves et al., US-6,392,710.

As to applicant's argument that Chakraborty et al. does not disclose or suggest "a shot segmentation device [that segments] the video into respective shots" and, after the video has been segmented into shots, "a calculator [calculates] shot density DS of the video for said respective shots" and "a calculator [calculates] motion intensity of the respective shots"; and a "dynamic/static scene classifier [classifies] the respective shots into a dynamic scene with much motions or a static scene with little motions based on the shot density and the motion intensity [of the respective shots]."

Applicant is arguing newly amended claim limitations. Since the new limitations were not previously presented, the newly amended claim limitations would required additional searching and further consideration.

As to applicant's argument regarding Chakraborty et al. does not disclose or suggest that the "slow scene" is detected based on motion intensity of the target shot and the similar shot.

The examiner respectfully disagrees. Chakraborty discloses examining frame-to-frame intensity changes as the pixel level (column 1 line 53-54); pixel activity would indicative of motion. Chakraborty teaches an integrated process for segmenting video shots by successfully identifying scene changes, both abrupt and gradual. A combination of a plurality of difference metrics are processed in an integrated fashion to identify and verify both gradual and abrupt scene changes in the video (column 4 line 66 to column 5 line 5). Further, Chakraborty discloses a predefined shot duration (column 13 line 15 to 35); which is equivalent to the shot density. Since Chakraborty discloses to examine the frames at a pixel level, and segmenting the video into both gradual and abrupt scenes, and the shot duration is used with detecting the abrupt scene (column 13 line 13-35), it is clear to the examiner that Chakraborty segments the video into abrupt or gradual scene based on motion, which reads upon the claimed limitation.

As to applicant's argument regarding Chakraborty is silent with respect to detecting motion direction using the interframe difference metrics.

The examiner respectfully disagrees. Chakraborty discloses where the interframe and histogram difference metrics are used to identify abrupt scene changes and the interframe variance difference metric is used to identify gradual scene changes (see abstract). Chakraborty also discloses the camera might remain fixed or it might undergo one the characteristics directional motion, i.e., panning (column 1line 45-46). Since Chakraborty discloses to use the interframe difference metric to identify abrupt and gradual scene changes, and it is known in the art to produce a motion vector by taking the difference of two frames, it is clear to the examiner, that the produced motion vector would include also include direction of motion, if the camera undergoes directional motion.

As to applicants argument regarding the various metrics of Chakraborty et al. do not disclose or suggest " a detector for detecting a histogram relating to motion directions of the respective shots" because the shots are not segmented when the various metrics are applied to the frames of the video.

The examiner respectfully disagrees. Chakraborty discloses the camera might remain fixed or it might undergo one the characteristics directional motion, i.e., panning (column 1 line 45-46). Panning would include the direction of the motion from the camera.

As to applicant argument regarding "shot duration" and "scene change duration" are not the same as "shot density".

The examiner respectfully disagrees. Chakraborty discloses since abrupt changes are defined primarily by the interframe difference and the histogram difference, these two metrics are used to determine the dominant cut. The dominant cut may be determined based on the amount that the computed metrics exceed their respectful threshold. This process (steps 215 and 216) is repeated until all of the identified abrupt scene changes meet the minimum shot duration threshold. Since Chakraborty, discloses the abrupt scene changes are defined by the interframe difference, histogram difference and the shot duration, it is clear to the examiner that shot duration as disclosed by Chakraborty reads upon shot density, as it is used to identify the abrupt scene changes which would be indicative of motion.

As to applicant's argument regarding the examiner has not pointed out where Chakraborty et al. explicitly, implicitly, or inherently discloses "a commercial scene detector for detecting a commercial scene by comparing a number of shot boundaries detected during a predetermined interval with a predetermined reference number."

The examiner respectfully disagrees Chakraborty discloses video in education and commerce, column 1 line 16-18. As defined by Merriam-Webster Dictionary, a commercial has to do with commerce. Further, the intensity range of a given frame is divided into a number of predefined bins, with each bin corresponding to an intensity range. Next, the number of pixel in each bin counted to generate the corresponding distribution comprising the histogram, column 8 line 51-55.

As to applicants argument regarding Gonsalves does not teach inserting a different type of video transition effect according to whether the highlight scenes to be combined are a dynamic scene or a static scene.

The examiner respectfully disagrees. Chakraborty discloses a transition between two shots is made in a gradual manner using special editing machines to achieve a visually pleasing effect. These types of gradual changes are also called "optical cuts". There are several types of optical cuts, such as "fade in", "fade out", "dissolve", "wipe", "flips", "superimpose", "blow-ups", "move-ins", etc. column 1 line 55-61. Gonsalves teaches a non-linear video editing system, with the capacity to display and modify video frame on a field-by field basis, has the capacity to implement special effects on a field-by field basis, thus increasing the accuracy of the effect, column 3 line 10-13. Since Gonsalves discloses to implement special effects on a field by field basis, it is clear to the examiner, that Gonsalves would be fully capable of inserting different effects based on the type of scenes, which reads upon the claimed limitation.